

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

GABRIEL GONZALES,
Defendant.

Case No. [20-mj-70327-MAG-1](#) (RS)**ORDER LIFTING STAY AND
AFFIRMING RELEASE ORDER**

On May 15, 2020, a magistrate judge authorized the pre-trial release of defendant Gabriel Gonzales. The release order included numerous conditions including that Gonzales reside on lockdown, subject to location monitoring, at his mother's home. Gonzales was ordered to have "no contact whatsoever" with his wife "unless legally required," participate in drug treatment and counseling, and participate in mental health counseling. His mother signed his bond and was one of two viable sureties recommended by Pretrial Services, who recommended his release. The magistrate judge's release order was briefly stayed so the government could appeal it.

Based on an independent review of the record, and the additional briefing provided, the government has shown neither by a preponderance of the evidence that Gonzales is a flight risk nor by clear and convincing evidence that Gonzales is a danger to the community. *See* 18 U.S.C. § 3142(g); *United States v. Koenig*, 912 F.2d 1190, 1191 (9th Cir. 1990). In particular, Gonzales has significant ties to the Bay Area and no ties outside it. He will reside with his mother, and also has an aunt (who was willing to provide surety), brother, and minor children in the area. His only prior conviction is for a single misdemeanor, fifteen years ago. He suffers from serious, long-term

1 illness which has resulted in several recent trips to the emergency room. Furthermore, while the
2 incident involving Gonzales's wife which led to his arrest causes concern, he was released only
3 subject to numerous conditions, detailed above, which sufficiently control for that risk.

4 The magistrate judge's release order is thus affirmed, and Gonzales shall be released from
5 custody, subject to the conditions above, forthwith. The prior stay of the magistrate judge's release
6 order is lifted effective immediately.

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8 **IT IS SO ORDERED.**

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10 Dated: May 18, 2020

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12 RICHARD SEEBORG
13 United States District Judge
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